

REMARKS

Reconsideration of the above-identified patent application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-18 are in this case. Claims 1-10 have been rejected under § 112, second paragraph. Claims 11-18 have been rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1-3, 5, 8, 9, 11, 13, 16 and 17 have been objected to. Independent claims 1 and 11 and dependent claims 2, 3, 5, 8, 9, 13, 16 and 17 have been amended.

The claims before the Examiner are directed towards a method of handing off a mobile unit among base stations that communicate with each other via a switch and towards a method of handing off a communication session from one base station to another. The mobile unit is handed off by smoothing signals received by the base stations from the mobile unit, comparing the smoothed signals and selecting the base station to which the mobile unit is handed off according to signal quality. At the start of the handoff of the communication session, the base station communicating with the mobile unit is running a low-level communications protocol. The switch determines when to hand the mobile unit off to the base station selected for handoff. The base station that is selected to receive the communication session creates a local copy of the low-level protocol. The switch tells the first base station to stop communicating with the mobile unit at the specified time and tells the second base station to start communicating with the mobile unit at the specified time. Finally, the switch and the two base stations update their session status tables.

§ 112, Second Paragraph Rejections

The Examiner has rejected claims 1-10 under § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner has alleged that the phrase "smoothing a plurality of signals" renders claim 1, and so also claims 2-10 that depend therefrom, indefinite because "smoothing" is not clearly defined in the specification.

The Examiner's rejection is respectfully traversed. "Smoothing" is in fact defined clearly in the specification, in the paragraph from page 54 line 29 through page 55 line 11:

FIG. 17A illustrates a procedure that is implemented at the Switch (129) in order to decide to which Base Station the handset should be handed. Energy measurements from two or more (three shown) Base Stations 801, 802 and 803 receiving a signal (i.e., the same signal) from a single handset (i.e., the same handset, not shown) are provided to the Switch, as described hereinabove (e.g., over the LAN 140). At the Switch, these measurements are "smoothed" by a plurality (three shown) of sliding window averaging filters 804, 805 and 806, respectively, and they are compared with one another by decision (handoff control) logic 807, which issues a signal ("Select Base Station") to effect handoff. The sliding window average filters 804, 805 and 806 compute the average quality received from a given Base Station over the previous T_r milliseconds, typically hundreds of milliseconds, (over a time interval encompassing at least two subsequent signals from the receiving Base Station), taking into account only the times in which the handset signal was received by more than one Base Station. (emphasis added)

Double Patenting Rejections

Claims 11-18 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 and 12 of US Patent No. 6,430,395. Attached please find a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the above-identified patent

application which would extend beyond the expiration date of the full statutory term of US 6,430,395.

Objections

The Examiner has objected to claims 1-3, 5, 8, 9, 11, 13, 16 and 17 as using initial capital letters in the words "Base Station", "Switch" and "Time Of Day". Claims 1-3, 5, 8, 9, 11, 13, 16 and 17 now have been amended to correct this informality.

In view of the above amendments and remarks it is respectfully submitted that independent claims 1 and 11, and hence dependent claims 2-10 and 12-18 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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